

**CITY OF EAST PALO ALTO  
RENT STABILIZATION BOARD MEETING  
WEDNESDAY, OCTOBER 14, 2009  
CITY COUNCIL CHAMBERS  
2415 UNIVERSITY AVENUE  
EAST PALO ALTO, CA  
Minutes**

**CALL TO ORDER AND ROLL CALL**

Chair Dorn called the meeting to order at 7:15 p.m.

Board Members Present: Dorn, Randolph, Webster, Hernandez, Mitchell  
Board Members Absent: Hart  
Board Alternates Present: Allen  
Board Alternates Absent:  
Staff Present: Ford, Alvarado

**1. APPROVAL OF AGENDA**

Board Member Hernandez said her understanding was that the Public Forum would be moved up on the agenda.

Chair Dorn explained that the agenda was set according to Rules and Regulations but the Board could change the order of items at each meeting.

Board Member Allen suggested moving the Public Forum item ahead of item 5.

**Motion:** It was moved (Hernandez) and seconded (Randolph) to approve the agenda, with item 12, Public Forum, moved after item 4. Motion passed unanimously with Hart abstaining.

**4. APPROVAL OF MINUTES**

- Minutes for the September 9, 2009, RS Board meeting

Board Member Allen made a correction on page 4: “Chair Dorn reported that there are two ad hoc committees to look at the new Rules and Regulations per the new Rent Stabilization Ordinance.”

**Motion:** It was moved (Randolph) and seconded (Hernandez) to approve the minutes of September 9, 2009, as corrected. Motion passed unanimously.

Board Member Allen announced that, in the absence of Board Member Hart, he was seated in the tenant's seat.

- Minutes for the September 23, 2009, RS Board meeting

Board Member Allen made a correction page 4, "Board Member Allen commented that a process would have to be created for handling those who submit the ~~second~~ tenant registration forms." He made another change on page 4, "Board Member Allen reported attending a LAFCo hearing ~~last week~~ Wednesday, September 16, 2009." At the bottom of page 4, he made a correction, "Board Member Webster spoke about the positive atmosphere of the City's meeting with Wald Realty. ~~of the meeting but~~ He was astounded when at the LAFCo afco meeting on September 16, 2009, when Mr. William D. Ross (attorney representing Page Mill Properties) made a presentation to LAFCo ..."

Staff Lee pointed out that the minutes should reflect that Board Member Hart was present, under Roll Call.

Chair Dorn made a correction to page 5: "Chair Dorn interrupted Board Member Hart, pointing out that the Courtyard on Bay Road was not under the Rent Stabilization Ordinance."

Chair Dorn: On page 7; there are two places where it says "of" and it should be "on." Eighth paragraph where it says, "Board member Allen said to the Chair that she was asking the Board members to comment on any issues.... And then two more paragraphs down Board member Allen said to the Chair that she was asking the Board members to comment on any issues of interest.... Board member Allen said that Chair Dorn didn't get to the staff and that she was asking the Board members to comment on any issues that were of interest.

**Motion:** It was moved (Allen) and seconded (Randolph) to approve the minutes of September 23, 2009, as corrected. Motion passed all in favor but Mitchell abstaining.

#### **4.a (formerly 12) COMMUNITY FORUM**

Matthew Fremont, 1986 Euclid Ave., East Palo Alto, provided an update on the tenants affected by the Oberle vs. Page Mill Properties case. A hearing was held on September 28, 2009, and the final order was entered and went into effect immediately. He and his neighbors were allowed to pay a reduced rent from the prior month. He offered to assist with the draft to the change to the Rules and Regulations concerning the order of the agenda.

### **5. AGENDIZED ITEMS FOR POLICY AND ACTION**

- 5.1 Review and Discussion of the Process for Placing Rent Stabilization and Good Cause for Eviction Ordinance on future City ballot.

Staff Ford summarized that the City Council met on October 6, 2009, and reviewed a timeline. There will be subsequent public hearings at which time members of the Board and public will be able to give comments to the Council.

Board Member Allen commented that he hoped the City Council would have another meeting where they might consider some minor revisions. He noted that the timeline in Exhibit A, it was indicated that the City Council Meeting of November 17 may consider the CEQA issue. He questioned whether the Council would in fact do that.

Staff Lee commented that the timeline was presented to the Council, and the Council intends to address the CEQA issue because it was an issue raised by Ellman Burke; the intent is to go forward so there will be no subsequent challenges that the City did not do a CEQA.

Chair Dorn expressed concern that there may have been some changes since the last time Council Member Romero reviewed changes with the Board. She questioned whether the Board would like to have Council Member Romero attend another meeting to discuss the changes.

Board Member Mitchell pointed out that the information would be available at the Council public hearings which might negate the need for an informal presentation.

Chair Dorn commented that she could contact Council Member Romero to find out if there are substantial changes and whether it would be beneficial for him to come before the Board.

Board Member Webster referred to a document he had seen that had a section printed in red which, when copied, was blacked out.

Chair Dorn asked that the Board get a readable copy.

Staff Ford responded that he had not seen it but would ask the City Clerk for the document.

## 5.2 Discussion of Board's power to lien and process to lien properties

Staff Lee explained that the procedure is that a lien cannot be placed on a property for 180 days; January 3, 2010, would be the first available date for the Board to take action.

Staff Ford commented that he recently compiled the amount owed, which he will bring to the next meeting.

Board Member Webster explained that in past years when a property was delinquent, the Attorney to the Rent Stabilization Board would, in closed session, approach the Board and explain the options and ask for support of the Board.

Chair Dorn responded that she would contact Legal Counsel.

Staff Ford commented that one letter has been sent to delinquent parties who owe for 2008 and for 2009.

Board Member Allen recalled that former Attorney Lawson sent a more forceful letter regarding delinquent fees; Legal Staff needs to be directed to pursue the delinquent properties.

Board Member Randolph expressed concern that the Board does not know about the properties that have not paid their registration fees.

Board Member Webster explained that in the 21 years that he has been involved with the Rent Program, there were very few instances of hard core noncompliance; a reminder from staff brought the properties into compliance.

Board Member Randolph wanted to see staff and the City Attorney do what is necessary.

Staff Ford commented that he would work with legal counsel to get the information brought to the Board for a decision.

#### 5.3 Discussion regarding RSB meeting schedule for November and December 2009.

Staff Lee reported that the first November meeting would be November 11, which is a holiday. He proposed that the Board meet on November 18 only since the second meeting would be the day before Thanksgiving. The Board will have a retreat on November 7.

The Board concurred with holding the regular meeting on November 18.

Staff Lee proposed that the Board hold one meeting on December 9 and not have a second meeting on December 23.

The Board concurred with the December 9 meeting date and suggested holding a special meeting on December 16, if necessary.

Staff Lee reported that the City Community Room has been reserved for the retreat and that he never received any feedback about an alternative site.

#### 5.4 Review and possible change of status of Budget Committee from standing committee to ad hoc committee

**Motion:** It was moved (Mitchell) and seconded (Allen) that the Budget Committee be changed from a standing committee to an ad hoc committee. Motion passed unanimously.

- 5.5 Review and possible change of status of Technology Committee from standing committee to ad hoc committee

**Motion:** It was moved (Mitchell) and seconded (Randolph) that the Technology Committee be changed from a standing committee to an ad hoc committee. Motion passed unanimously.

6. **CONSENT CALENDAR**
7. **PUBLIC HEARING**
8. **RESOLUTIONS OR RULES**
9. **REPORTS OF COMMITTEE AND STAFF**

Board Member Allen announced that LAFCo will have its continued hearing on East Palo Alto's Sphere of Influence on October 21, at 2:30 p.m. in the Board of Supervisors Chambers, 400 County Government Center, Redwood City.

9.1 Report out from RS Board Members and Committees:

- a. Operational Excellence (**Allen**, Mitchell & Hernandez) – no report
- b. Outreach/Education (Dorn & Hart)

Chair Dorn reported that the Outreach/Education Committee would meet at 6 p.m. prior to the next regular meeting. She will contact Community Legal Services (CLS) about providing outreach.

- c. City Council Liaison (Hart & Mitchell) - no report
- d. Rules and Regulations (**Webster**, Allen & Randolph)

Board Member Webster reported that the Committee discussed the proposal for a landlord/vacancy registration form and talked about a new tenant registration form. Further discussion was held on the proposed changes to Section 1600 of the Rules and Regulations, proposed by Matthew Fremont and Eric Oberle. The Committee did not come to final terms; discussion will be continued to a meeting on November 18 after the attorney has an opportunity to review the proposed language changes.

Board Member Allen reported that he reviewed the history of the Costa-Hawkins Vacancy Registration form and the currently renamed, "Vacancy Registration Form" and its relationship to the annual registration statement. The annual registration statement was simpler because it did not ask for as much information as is currently asked for, and it included a box to remind landlords to file the vacancy registration form. The box on the

form was removed because additional information was being asked for. Staff was asked to contact Mr. Alvarado for his review and analysis of the proposed changes.

- e. Budget Committee (Dorn & Allen) – no report
- f. Technology Committee (**Mitchell**, Allen & Randolph) – no report

Staff Lee circulated handouts that he received from Breathe California which are intended to promote awareness to the community about asthma. The Director of Breathe California is interested in doing a brief presentation to the Board.

Chair Dorn suggested the presentation be on the agenda for the second meeting in January.

Director Mitchell pointed out that East Palo Alto has underreported cases of Asthma because indicators include hospital visits and, in communities such as East Palo Alto, most people do not go to emergency rooms.

Chair Dorn commented on the importance of getting information out to tenants and landlords about the causes, remedies and rights of tenants with regard to mold in their homes.

Staff Ford pointed out that the Outreach/Education, Council Liaison, and Budget Committees do not have Chairs designated.

Chair Dorn commented that she was the Chair for Outreach/Education.

Director Mitchell commented that he and Board member Hart were co-chairs of the City Council Liaison committee.

Chair Dorn commented that she is currently the Chair for the Budget Committee.

Staff Ford asked that the Board get agenda items to him on the Wednesday morning prior to the meeting date to allow time for review by Staff Lee and Mr. Alvarado.

## **10. ADMINISTRATIVE ITEMS**

### **11. WRITTEN COMMUNICATIONS**

- 11.1 Memorandum dated October 6, 2009, from Vincent Ewing, City Attorney, to Mayor and City Council regarding rescinding resolutions 2947 and 2948 that adopted a rent stabilization ordinance, called a municipal election, consolidated said election with the County general election and requested that a rent stabilization ordinance be on the November 3, 2009 ballot.
- 11.2 Memorandum dated October 6, 2009, from Vincent Ewing, City Attorney, to Mayor and City Council regarding the adoption of an ordinance

measure timeline guideline to insure a rent stabilization measure is timely adopted and placed on the June 8, 2010 general election ballot.

**13. RECOMMENDATIONS FOR FUTURE ACTIONS**

Items include items on Rules of Attendance, past due registration fees, and status of Westpark Apartments with regard to the condominium conversion issue.

Staff Lee reported that he would not be at the next Board meeting because he would be attending the California Redevelopment Conference.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:55 p.m.